**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.18346 of 2000

Dated:10.04.2007

Between
1.S.Sridhar and others.

.....Petitioners

and

1.APSRTC rep., by its Vice Chairman &
Managing Director, Musheerabad
Hyderabad and others.

…Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.18346 of 2000

ORDER:

This writ petition is filed seeking a Mandamus to declare the Circular No.P.D.17/99 dated 10.05.1999 issued by the respondent-Corporation as arbitrary and illegal and contrary to the Judgment of the Supreme Court reported in UPSRT Corporation Vs U.P.Parivahan Nigam Shishukhs Berozgar Sangh and others (AIR 1995 SC P.1115) and further to declare that the action of the respondents in not regularizing or absorbing the petitioners into service as arbitrary and illegal.

No interim order was passed by this Court while admitting the writ petition, on the other hand, the WPMP was dismissed.

It is the case of the petitioners that they worked as apprentices in the respondent-Corporation, therefore, they are entitled for automatic absorption into service. Further, they have worked as Mechanics due to shortage of Mechanics in respondent-Corporation. They were engaged on contract basis from 1997 onwards. They were engaged in various departments to which they were allotted and were paid Rs.40/- per day, on contract basis. Although they were engaged directly by the Corporation, only with an intention to avoid legal problems one of them was termed as Contractor and amounts were paid to the so called Contractor and he was asked to distribute the amounts among contract labour. The 1st petitioner is treated as a Contractor for the purpose of distribution of the amounts. The petitioners have been working under the direct control of the Mechanical Foreman. The Depot authorities have not obtained any licence as required under Contract Labour (Regulation and Abolition) Act, 1970 nor the 1st petitioner had been insisted upon to obtain contract labour licence. Since the petitioners are working and attending to regular duties, they are entitled for absorption as per the Judgment reported in U.P.S.R.T.C Corporation Vs., U.P Parivahan Nigam Shishukhs Berozgar Sangh and others[1]. Further, the Corporation issued circular NO.IP.D.17/99 dated 10.5.1999 prescribing new procedure giving a gobye to the practice of prefering senior most apprentices.

A detailed counter-affidavit has been filed by the respondent-Corporation. It is admitted that the petitioners underwent Apprenticeship Training in their Corporation. As per the Apprenticeship Act, 1961, the liability of the Corporation ceases after providing suitable training facility. Therefore, the contention of the petitioners that on successful completion of training they are entitled to be considered for absorption in the vacancies in the category of Mechanics, Shramiks etc is not correct, as the organization does not take any responsibility in providing any job at the end of the training period. It is further stated that S.Sridahar is the Contractor and he has submitted quotation for executing the works in the Corporation. Hence, the contention of the petitioners that Sridhar has been asked to distribute the amounts to the workmen engaged by him is not correct, as Sridhar himself has given written consent to accept the work duly quoting the rates for the works to be carried

out. Therefore, there is no relationship of employer and employee. Further, it is stated that the petitioners are entitled for consideration for absorption as per the circular which is issued in tune with the Judgments

of the Apex Court cited supra as and when the turn of the petitioners comes. Therefore, the petitioners are not entitled for any relief.

In view of the above, the respondent-Corporation is directed to consider the case of the petitioners as per the Circular, on preferential basis, for appointment to the post of Mechanic/Shramik as and when vacancies arise, as per their turn, if not already appointed.

With the above direction, the writ petition is disposed of. No costs.

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[1] 1995(2) SCC Page 1